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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,) No. CR 08-00258 RS
12 Plaintiff,)
13 v.) STIPULATION TO WAIVE
14 ESTER ENRIQUEZ,) DEFENDANT'S PRESENCE AT
15 Defendant.) STATUS APPEARANCE; [PROPOSED]
16 _____) ORDER
Hon. Patricia V. Trumbull

17 Defendant and the government, through their respective counsel, hereby stipulate that,
18 subject to the court's approval, the defendant's presence at the status hearing in this matter on
19 Thursday, September 25, 2008, at 9:30 a.m., may be waived. This matter has been referred to the
20 Pretrial Services Office for a determination of whether the defendant is an appropriate candidate
21 for diversion. At this time, the Pretrial Services Office has not completed its investigation, and
22 the parties are awaiting its recommendation regarding the terms of any diversion contract.

23 Mrs. Enriquez resides in Salinas. Because the parties do not anticipate any substantive
24 proceedings will take place on September 25, the parties request that Mrs. Enriquez's presence
25 be waived for this proceeding. In the event that Pretrial Services provides its recommendation
26 this afternoon (September 24), defense counsel will advise Mrs. Enriquez to be present for the

STIPULATION TO WAIVE DEFENDANT'S
PRESENCE; [PROPOSED] ORDER
No. CR 08-00258 RS

1 hearing on September 25.

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3 Dated: 9/24/08

/s/
4 LARA S. VINNARD
Assistant Federal Public Defender

5 Dated: 9/24/08

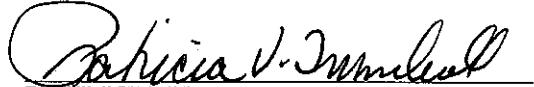
/s/
6 SUSAN KNIGHT
Assistant United States Attorney

7 **ORDER**

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9 The parties have jointly requested that the defendant's presence be waived at the status
10 appearance on September 25, 2008, on grounds that the parties are awaiting the recommendation
11 of Pretrial Services regarding the terms of a proposed diversion contract, and the contract is not
12 expected to be provided by September 25.

13 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the defendant's presence
14 be waived.

15 Dated: 9/24/08


16 PATRICIA V. TRUMBULL
United States Magistrate Judge